

as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the respective articles.

Misbranding was alleged for the reason that the statements "Pure Preserves," "Strawberry," "Raspberry," "Blackberry," "Cherry," "Peach," or "Loganberry," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On June 24, 1925, the Colter Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant to be relabeled under the supervision of this department, upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13607. Adulteration and misbranding of morphine sulphate tablets, codeine sulphate tablets, nitroglycerin tablets, atropine sulphate tablets, strychnine sulphate tablets, and strychnine nitrate tablets. U. S. v. George H. Gould and Henry H. Gould (George H. Gould & Son). Pleas of guilty. Fine, \$100. (F. & D. No. 18995. I. S. Nos. 4725-v, 4751-v, 5320-v, 5632-v, 5634-v, 6725-v, 6726-v, 6727-v, 7363-v, 7364-v, 7365-v, 7367-v, 17626-v, 17629-v.)

On February 3, 1925, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George H. Gould and Henry H. Gould, copartners, trading as George H. Gould & Son, Louisville, Ky., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about October 19 and 20, 1923, respectively, from the State of Kentucky into the State of Missouri, of quantities of codeine sulphate tablets, nitroglycerin tablets, strychnine sulphate tablets, and strychnine nitrate tablets, on or about October 23, 1923, from the State of Kentucky into the State of Minnesota, of quantities of morphine sulphate tablets and nitroglycerin tablets, on or about November 5, 1923, from the State of Kentucky into the State of Ohio, of quantities of morphine sulphate tablets and codeine sulphate tablets, and on or about November 15, 1923, from the State of Kentucky into the States of Illinois and Louisiana, respectively, of quantities of morphine sulphate tablets, nitroglycerin tablets, codeine sulphate tablets, and atropine sulphate tablets, all of which were adulterated and misbranded. The articles were labeled in part, variously: "Hypodermic Tablets Morphine Sulphate One-Half Grain" (or "One-quarter Grain" or "One-eighth Grain") "Geo. H. Gould & Son, Pharmaceuticals, Louisville, Kentucky"; "Hypodermic Tablets Codeine Sulphate 1/2 Grain" (or "1/2 Gr.") "Geo. H. Gould & Son"; "Hypodermic Tablets Nitroglycerine 1/100 Gr."; "Hypodermic Tablets Atropine Sulphate 1/100 Gr. * * * Geo. H. Gould & Son"; "Hypodermic Tablets Strychnine Sulphate 1/40 Gr. * * * Geo. H. Gould & Son"; "Hypodermic Tablets Strychnine Nitrate 1/30 Gr."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The morphine sulphate tablets labeled "One-Half Grain" contained not more than 0.45 grain of morphine sulphate each, the two lots of morphine sulphate tablets labeled "One-quarter Grain" contained not more than 0.22 grain and 0.224 grain, respectively, of morphine sulphate to each tablet and the morphine sulphate tablets labeled "One-eighth Grain" contained approximately 0.111 grain of morphine sulphate each; the two lots of codeine sulphate tablets labeled "1/2 Grain" contained not more than 0.43 grain and 0.443 grain, respectively, of codeine sulphate to each tablet; the codeine sulphate tablets labeled "1/3 Gr." contained not more than 0.0944 grain of codeine sulphate each; the strychnine sulphate tablets, labeled "1/40 Gr.," contained not more than 0.0195 grain of strychnine sulphate each; the strychnine nitrate tablets, labeled "1/30 Gr.," contained approximately 0.0253 grain of strychnine nitrate each; the atropine sulphate tablets, labeled "1/100 Gr.," contained not more than 0.0077 grain of atropine sulphate each; the four lots of nitroglycerin tablets, labeled "1/100 Gr.," contained approximately 0.0051 grain, 0.013 grain, 0.015 grain, and 0.013 grain, respectively, of nitroglycerin to each tablet. The last three lots of nitroglycerin tablets also contained approximately 0.05 grain, 0.06 grain, and 0.06 grain of calcium carbonate to each tablet.

It was alleged in substance in the information that the articles were adulterated, in that their strength and purity fell below the professed standard and quality under which they were sold, in that the said tablets, with the exception of those involved in three consignments of the nitroglycerin tablets, contained less of the respective products than declared on the labels, and the said three consignments of nitroglycerin tablets contained more than 1/100 grain of nitroglycerin to each tablet.

It was further alleged in substance in the information that the articles were misbranded, in that the statements, to wit, "Tablets Morphine Sulphate One-Half Grain," "Tablets Morphine Sulphate One-quarter Grain," "Tablets Morphine Sulphate One-eighth Grain," "Tablets Codeine Sulphate ½ Grain," "Tablets Codeine Sulphate ⅓ Gr.," "Hypodermic Tablets Nitroglycerine 1/100 Gr.," "Tablets Nitroglycerine 1/100 Gr.," "Tablets Strychnine Nitrate 1/30 Gr.," "Tablets Strychnine Sulphate 1/40 Gr.," and "Tablets Atropine Sulphate 1/100 Gr.," borne on the labels of the respective articles, were false and misleading, in that the said statements represented that each tablet contained the amount of the respective products declared on the label, whereas the said tablets did not contain the declared amounts but, with the exception of the product involved in three consignments of the nitroglycerin tablets, did contain less amounts, and the tablets involved in the said three consignments of nitroglycerin tablets contained more nitroglycerin than declared on the label. Misbranding was alleged with respect to the said three consignments of nitroglycerin tablets for the further reason that the statement, to-wit, "Hypodermic Tablets Nitroglycerine 1/100 Gr.," borne on the labels, was false and misleading, in that the said statement represented that the article was hypodermic tablets, whereas it was not hypodermic tablets, in that each tablet contained an inert ingredient insoluble in water, not a normal ingredient of hypodermic tablets.

On March 26, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1360S. Adulteration and misbranding of anodyne tablets, strychnine sulphate tablets, morphine sulphate tablets, codeine sulphate tablets, nitroglycerin tablets, acetphenetidin tablets, heroin tablets, and quinine sulphate tablets. U. S. v. Elmira Drug & Chemical Co. Plea of guilty. Fine, \$200. (F. & D. No. 19580. I. S. Nos. 2494-v, 2863-v, 2865-v, 2866-v, 12594-v, 15317-v, 15319-v, 15320-v, 15321-v, 15865-v, 15866-v, 15867-v, 15869-v.)

On May 26, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Elmira Drug & Chemical Co., a corporation, Elmira, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, from the State of New York, on or about October 20, 1923, into the State of New Jersey, of quantities of morphine sulphate tablets, quinine sulphate tablets, nitroglycerin tablets, and strychnine sulphate tablets, on or about November 10, 1923, and July 17, 1924, respectively, into the State of Pennsylvania, of quantities of anodyne tablets containing codeine, strychnine sulphate tablets, morphine sulphate tablets, and codeine sulphate tablets, on or about November 16, 1923, into the State of Massachusetts, of quantities of nitroglycerin tablets, acetphenetidin tablets, morphine sulphate tablets, and heroin tablets, and on or about April 5, 1924, into the State of Maryland, of a quantity of strychnine sulphate tablets, all of which were adulterated and misbranded. The articles were labeled in part, variously: "Tablets Morphine Sulphate 1-8 gr. Elmira Drug & Chem. Co. Elmira, New York. Poison"; "Tablets * * * Morphine Sulphate 1/4 Grain"; "Tablets Anodyne Infant No. 2 * * * Codeine 1-96 gr."; "Tablets Strychnine Sulphate Each tablet represents 1/30 Grains" (or "1/60 Grains"); "Tablets Codeine Sulphate 1/4 Grain"; "Tablets Nitroglycerin Each tablet represents 1/100 Grains"; "Tablets Acetphenetidin 2 Grains"; "Tablets Heroin Each tablet represents 1/12 Grains"; "Tablets Quinine Sulphate Each tablet represents 2 Grains."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The anodyne tablets, alleged to contain 1/96 grain of codeine, averaged not more than 0.0056 grain of codeine each; the two lots of morphine sulphate tablets labeled "1/8 gr." averaged approximately 0.161 grain and 0.156 grain of morphine sulphate to each tablet; the morphine sulphate tablets labeled "1/4 Grain" averaged not more than 0.219 grain of morphine sulphate each; the two lots of strychnine sulphate tablets labeled